

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

§
EMILIO GUTIERREZ-SOTO,

§
Petitioner,

§
v.

§
JEFFERSON SESSIONS III, in his official capacity as Attorney General of the United States; KIRSTJEN NIELSEN, in her official capacity as Secretary of U.S. Department of Homeland Security; THOMAS HOMAN, in his official capacity as Director of U.S. Immigration and Customs Enforcement; WILLIAM JOYCE, in his official capacity as Acting El Paso Field Office Director for U.S. Immigration and Customs Enforcement; and UNITED STATES DEPARTMENT OF HOMELAND SECURITY,

§
EP-18-CV-00071-DCG

§
Respondents.

ORDER GRANTING MOTION TO SHOW CAUSE

Presently before the Court is Petitioners Emilio Gutierrez-Soto and Oscar Gutierrez-Soto’s “Motion for Order to Show Cause and Oral Argument” (ECF No. 30) filed on May 25, 2018. Therein, Petitioners seek an oral hearing in this matter and request that the Court order Respondents to show cause why Petitioners’ Writ of Habeas Corpus should not be granted.¹ The Court GRANTS Petitioners’ Motion and enters the following orders:

¹ On July 5, 2018, Petitioners filed another Motion for an Order to Show Cause requesting their release based on their belief that they are part of the class granted relief in *Damus v. Nielsen*, No. CV 18-578 (JEB), 2018 WL 3232515, at *18 (D.D.C. July 2, 2018). The Court disagrees with Petitioners and finds that *Damus* is distinguishable because the *Damus* court found that their defendants violated their internal procedures by systematically denying parole rather than considering the appropriate factors as mandated by the internal procedures. *Id.* at 15–17. That is not the case here. Petitioners were granted humanitarian parole and later had that parole revoked.

Accordingly, **IT IS HEREBY ORDERED** that Respondents **SHALL FILE** a response to the Petitioners' Writ of Habeas Corpus addressing the outstanding issues by no later than **July 18, 2018**.

IT IS FURTHER ORDERED that Petitioners **MAY FILE** a reply to Respondents' response, provided that the reply is filed no later than **seven (7) days** after the date of service of the response.

IT IS FINALLY ORDERED that the above-captioned cause is set for an **EVIDENTIARY HEARING** in Courtroom Number 322, on the Third Floor of the United States Courthouse, 525 Magoffin Avenue, El Paso, Texas, on **Wednesday, August 1, 2018, at 1:30 P.M.²** Respondents **SHALL PRODUCE** Petitioners for the evidentiary hearing.³

So ORDERED and SIGNED this 10th day of July 2018.



DAVID C. GUADERRAMA
UNITED STATES DISTRICT JUDGE

² If the parties have any conflicts with the date of the evidentiary hearing or the briefing deadlines, they shall inform the Court via a Motion to Continue by no later than Monday, July 16, 2018. The party filing the Motion to Continue shall offer alternate dates for the deadline or hearing, and the opposing party may file a response offering dates of their own.

³ The parties should be prepared to present their witnesses for examination and offer any evidence needed for the examination of the witnesses.